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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,231	09/17/2003	Laurent Balmelli	YOR920030209US1 (16701)	5459
23389	7590	03/28/2006	EXAMINER NGUYEN, PHU K	
SCULLY SCOTT MURPHY & PRESSER, PC 400 GARDEN CITY PLAZA SUITE 300 GARDEN CITY, NY 11530			ART UNIT 2628	PAPER NUMBER

DATE MAILED: 03/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/665,231	Applicant(s) BALMELLI ET AL.	
	Examiner Phu K. Nguyen	Art Unit 2673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/17/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-11 and 13-19 is/are rejected.
- 7) ☒ Claim(s) 2 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

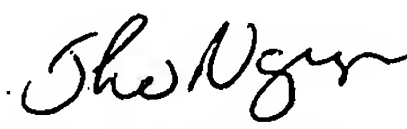
Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


PHU K. NGUYEN
PRIMARY EXAMINER
GROUP 2300

Attachment(s)

- | | |
|--|--|
| <p>1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.</p> | <p>4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.</p> <p>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6) <input type="checkbox"/> Other: _____.</p> |
|--|--|

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 3-11, 13-19 are rejected under 35 U.S.C. 102(e) as being anticipated by RAPPAPORT et al. (6,850,946).

As per claim 1, Rappaport teaches the claimed "image editing user interface system" comprising: "one or more computers with one or more graphical user interfaces" (Rappaport, computer system; column 4, lines 53-55); "a receiving process for receiving one or more rendered two dimensional images on the computer graphical user interface, each two dimensional image representing reflected light from a lit three dimensional object model, the reflective light at each point of the two dimensional image corresponding to an object point on the three dimensional object model" (Rappaport, the 2D raster image of the 3D model in which each of the pixel of the 2D image represents

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a projected point of a corresponding point of the 3D object; figure 3); and “a changing process for changing a portion of the two dimensional image by changing the light intensity at a set of one or more points on the two dimensional image, the change in light intensity at the set of points causing a change in the three dimensional model to correspond to the change in the light intensity” (Rappaport, changing the light contrast of 2D image results in changing the contrast in 3D model; column 8, lines 22-25, 31-37, column 9, lines 39-42; column 10, lines 10-11).

Claim 3 adds into claim 1 “the change in the three dimensional model is a change in the surface curvature at each object point corresponding to one of the points in the set of points of the two dimensional model” (Rappaport, the change of color of pixels in the 2D raster image of figure 3 results a change in the surface of the 3D object represented by the 2D raster image; column 8, lines 12-17; or the surface curvature of the wheel, column 10, lines 4-11).

Claim 4 adds into claim 3 “a color is changed at one or more of the object points with a changed surface curvature” (Rappaport, the change of color of pixels in the 2D raster image of figure 3 results a change in the surface of the 3D object represented by the 2D raster image; column 8, lines 12-25; column 10, lines 10-11).

Claim 5 adds into claim 3 “surface curvature is represented in the three

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dimensional object model” (Rappaport, the wheel is a 3D object model; column 10, lines 4-11).

Claim 6 adds into claim 3 “surface curvature is represented by additional three dimensional information” (Rappaport, several information are needed to represent the curvature surface of the wheel; column 10, lines 7-10).

Claim 7 adds into claim 6 “the additional three dimensional information is a bit map representing one or more of the following: normals at the object point, and displacement of the object point” (Rappaport, the wheel’s specific location represents the displacement of the object point).

Claim 8 adds into claim 1 “one or more of the changed points on the two dimensional image are rendered with depth information corresponding to the position of their respective object point” (Rappaport, the obstruction/partition of polygons in database contain the depth information corresponding to the polygons’ position; column 6, lines 29-33).

Claim 9 adds into claim 8 “the depth information is edited to resolve ambiguity in the changed object points” (Rappaport, the editing of obstruction/partition involving the depth data to resolve the ambiguity problems in the original 3D drawing database; column 6, lines 47-57).

Claim 10 adds into claim 1 "the two dimensional image further comprises geometric discontinuities that can not be changed by a user in the two dimensional image rendered" (Rappaport, the obstruction/partition or discontinuities inside the 2D image of the house can not be changed by access to the 2D image rendering, it must be changed through the editing of parameters of the objects; column 7, lines 14-17).

Claims 11 and 13-19 claim a method and computer program to perform the interface function of the system in claims 1, 3-10 (Rappaport, the method and software of BDM and SitePlanner systems; column 4, lines 55-64, column 5, lines 57-61); therefore, their features or steps are rejected under the same reason.

Claims 2 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

In claim 2 and 12, the allowable feature is:


wherein the reflected light at each point of the two dimensional image corresponds to the respective object point because a light source lighting the three dimensional model and a point diffuse reflectance of the three dimensional model are invariant.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phu K. Nguyen whose telephone number is (571) 272 7645. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, bipin Shalwala can be reached on (571) 272 7681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phu K. Nguyen
March 10, 2006


PHU K. NGUYEN
PRIMARY EXAMINER
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